

IN THE U.S. PATENT AND TRADEMARK OFFICE

Application No.: 09/991,111

Filing Date: November 16, 2001

Applicant: Arnab DAS et al.

Group Art Unit: 2611

Examiner: Freshteh N. Aghdam

Title: A METHOD FOR ENCODING AND DECODING
CONTROL INFORMATION IN A WIRELESS
COMMUNICATION SYSTEM

Attorney Docket: 129250-002061/US

APPELLANTS' REPLY BRIEF ON APPEAL

MAIL STOP APPEAL BRIEF - PATENTS

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November 20, 2007

ARGUMENTS

I. The Withdrawal of the Section 103 Rejections of Claims 9 through 11

Appellants acknowledge the Examiner's withdrawal of the rejections of claims 9 through 11. Accordingly, the Appellants request that the members of the Board remand the present application to the Examiner for allowance of those claims.

II. The Section 103 Rejections of Claims 1, 3-8, 13 and 14

In the Examiner's Answer the Examiner now takes the position that Kim does disclose the claimed shared control channel because Kim's "dedicated control channel can be shared by several mobile stations instead of being exclusively used by a particular mobile station" (page 9 of the Answer). With all due respect, the Examiner has misinterpreted Kim.

Initially, as the Examiner knows well, a dedicated control channel is not a shared control channel. As explained in the Background of the Invention section of the present specification, "signaling information is provided via dedicated and shared control channels. More specifically, a separate dedicated Downlink Physical Channel (DPCH) is assigned to each mobile station and is used....for indicating when a respective mobile station has a transmission during a particular transmission time interval. In addition to the dedicated control channels, there are also a plurality of Shared Control Channels (SCCHs).....The Shared Control Channels...are used for transmitting signaling information that is needed for the mobile station to process the corresponding data transmission...The Shared Control Channels are used on a shared basis among all the mobile stations such that a mobile station would read a Shared Control Channel ..only upon an indication (e.g., via its dedicated DPCH) that the Shared Control Channel is intended for that particular mobile station." (underlining added by Appellants).

Said another way, information is always present on the SCCHs. Though each mobile station may be physically connected to the same SCCHs, a particular mobile station may pay no attention (i.e., will not “read”) the information on the SCCHs unless it receives a prior indication on its DPCH that the information is intended for it.

Thus, dedicated control channels are distinct from shared control channels.

Turning now to Kim, the Examiner cites an excerpt from Kim, namely, paragraph 6, lines 30-35 as indicating that a dedicated control channel can be used by more than one mobile station. However, in this excerpt the dedicated control channel is no longer being used to carry signaling information. Instead, it is being used to carry voice information. Thus, the dedicated control channel of Kim does not include “encoded signaling information for a corresponding data transmission” as in claims 1, 13 and 14. In fact, it ceases to be a dedicated control channel as that phrase is used in the present claims.

Accordingly, Appellants respectfully request that the members of the Board reverse the decision of the Examiner, withdraw these rejections and allow claims 1, 3-8, 13 and 14.

III. The Section 103 Rejections of Claim 12

As presently understood by the Appellants, in the Answer the Examiner takes the position that the phrase “selectively puncturing bits from the encoded signaling information such that the number of bits punctured from certain of the one or more portions is less than the number of bits punctured from other portions” in claim 12 need not “even be given weight to” if the phrase “encoded signaling information includes one or more portions of encoded information” in claim 12 is interpreted to mean “all portions of encoded signaling information”.

The short answer to the Examiner's position is that, as the Examiner knows well, all functional or structural phrases in a claim must be given patentable weight. The phrases the Examiner chooses to ignore are functional in nature. They are far from being descriptive (as in preamble statements), redundant or merely phrases that speak of an intended use.

Further, the claims make no mention of "all portions of encoded signaling information". Thus, the Examiner's "interpretation" of the claims is nothing less than a re-writing of the claims, which is impermissible.

Accordingly, Appellants respectfully request that the members of the Board reverse the decision of the Examiner, withdraw these rejection and allow claim 12.

Conclusion:

Appellants respectfully request that members of the Board reverse the decision of the Examiner and allow claims 1, 3-8 and 12-14.

The Commissioner is authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 50-3777 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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